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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,195	07/02/2001	Makoto Shimizu	Q65225	1512

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EXAMINER

WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,195

Applicant(s)

SHIMIZU ET AL.

Examiner

Gloria R Weeks

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM

~~THE MAILING DATE OF THIS COMMUNICATION.~~

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-41 is/are pending in the application.
- 4a) Of the above claim(s) 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-37 and 39-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3721

***Response to Amendment***

1. This action is in response to applicants' amendment received on August 27, 2002.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 recites the limitation "first through third members" in line 17 of the claim. There is insufficient antecedent basis for this limitation in the claim. Prior to this limitation, applicant claims first through third continuous members. The objected limitation could be perceived to be members 1 through 3 of the drawings or the first through third continuous members previously cited in the claims.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 37-41 are rejected under 35 U.S.C. 102(b) as being anticipated by McCole (USPN 4,312,939).

Art Unit: 3721

With respect to claim 37, McCole discloses an apparatus for manufacturing an instant photography film unit which comprises a mask sheet (21) having an image frame (3a) and two sheets (1, 3), one of which has a photosensitive layer (column 4, lines 15-16), superposed and bonded to each other (column 5, lines 18-19), and a pod (30) storing a developing solution (column 6, lines 63-64) and disposed on the sheets in a predetermined position (column 7, lines 2-3), the arrangement being such that the developing solution supplied from the pod extends between the two sheets (1, 3) to form an image (column 8; lines 13-21), the apparatus comprising: a component supply station (18) for supplying the mask sheet (21) and the two sheets (1, 3; figure 1); a bonding station (18) for bonding the mask sheet (21) and the two sheets (1, 3) in a laminated state, with at least one of the mask sheet (21) and the two sheets (1, 3) comprising a continuous member (2, 4; column 6, lines 12-17); a cutting station (43) for cutting the continuous member to a predetermined length for thereby producing a self-developing instant photography film unit (figure 1; column 7, lines 20-23); and a component supply station (33) for simultaneously supplying at least one of a plurality of pods (30) storing a developing solution and a trap (34) for trapping an excessive developing solution to a marginal side edge of the image frame (3a; figure 1; column 6, lines 61-68; column 7, lines 1-10), wherein the component supply station comprises means for supplying the mask sheet (21, supply roll below station 18) and the two sheets (1, 3) as first through third continuous members (1, 3, supply roll below station 18), the arrangement being such that the first through third continuous members (1, 3, supply roll below station 18) are cut together (43) after being bonded (25, 42) to each other, and wherein the first through third members (1, 3, supply roll below station 18) are fed a plurality of pitches at a time at least at the bonding station (column 4, lines 9-14).

Art Unit: 3721

In reference to claim 38 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit wherein the component supply station comprises means for supplying (18) the mask sheet (21) and the two sheets as (1, 3) first through third continuous members (2, 4; figure 1), the arrangement being such that the first through third continuous members (2, 4) are cut together (43) after being bonded (18) to each other (column 6, lines 12-17; column 7, lines 20-23).

Regarding claim 39 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a beveling station (25) for beveling corners of the instant photography film unit (column 6, lines 56-60).

With respect to claim 40 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a fold forming station (41) for forming foldable thin portions on opposite marginal side edges of the image frame (3a) of the mask sheet (21), the foldable thin portions having a predetermined depth across the mask sheet (21; column 7, lines 11-15).

In reference to claim 41 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising an air hole forming stations (33) for forming a deformed area (34) at the trap and serving as an air passage (column 7, lines 61-65).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3721

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCole (USPN 4,312,939) in view of Arima (USPN 4,944,503).

In reference to claim 25, McCole discloses an apparatus for manufacturing an instant photography film unit which comprises a mask sheet (21) having an image frame (3a) and two sheets (1, 3), one of which has a photosensitive layer (column 4, lines 15-16), superposed and bonded to each other (column 5, lines 18-19), and a pod (30) storing a developing solution (column 6, lines 63-64) and disposed on the sheets in a predetermined position (column 7, lines 2-3), the arrangement being such that the developing solution supplied from the pod extends between the two sheets (1, 3) to form an image (column 8, lines 13-21), the apparatus comprising: a component supply station (18) for supplying the mask sheet (21) and the two sheets (1, 3; figure 1); a bonding station (18) for bonding the mask sheet (21) and the two sheets (1, 3) in a laminated state, with at least one of the mask sheet (21) and the two sheets (1, 3) comprising a continuous member (2, 4; column 6, lines 12-17); a cutting station (43) for cutting the continuous member to a predetermined length for thereby producing a self-developing instant photography film unit (figure 1; column 7, lines 20-23). McCole does not disclose a stacking and packaging station. Arima teaches a stacking and packaging station in which the stacking station automatically stacks a predetermined number of units (column 9, lines 11-23, 33-35; column 10, lines 4-6); and the packaging station automatically houses the stacked units into a pack (column 1, lines 14-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of McCole to include a stacking and

Art Unit: 3721

packaging station for the purpose of preparing the formed instant photography film units for shipment or distribution.

Regarding claim 26 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit wherein the component supply station comprises means for supplying (18) the mask sheet (21) and the two sheets as (1, 3) first through third continuous members (2, 4; figure 1), the arrangement being such that the first through third continuous members (2, 4) are cut together (43) after being bonded (18) to each other (column 6, lines 12-17; column 7, lines 20-23).

With respect to claim 27 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a beveling station (25) for beveling corners of the instant photography film unit (column 6, lines 56-60).

In reference to claim 28 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a fold forming station (41) for forming foldable thin portions on opposite marginal side edges of the image frame (3a) of the mask sheet (21), the foldable thin portions having a predetermined depth across the mask sheet (21; column 7, lines 11-15).

Regarding claim 29 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising an air hole forming stations (33) for forming a deformed area (34) at the trap and serving as an air passage (column 7, lines 61-65).

8. Claims 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCole (USPN 4,312,939) in view of Karaki et al. (USPN 6,317,951 B1).

Art Unit: 3721

In reference to claim 30, McCole discloses an apparatus for manufacturing an instant photography film unit which comprises a mask sheet (21) having an image frame (3a) and two sheets (1,3), one of which has a photosensitive layer (column 4, lines 15-16), superposed and bonded to each other (column 5, lines 18-19), and a pod (30) storing a developing solution (column 6, lines 63-64) and disposed on the sheets in a predetermined position (column 7, lines 2-3), the arrangement being such that the developing solution supplied from the pod extends between the two sheets (1, 3) to form an image (column 8, lines 13-21), the apparatus comprising: a component supply station (2, 4, 18) for supplying the mask sheet (21) and the two sheets (1, 3); a bonding station (18) for bonding the mask sheet (21) and the two sheets (1, 3) in a laminated state, with at least one of the mask sheet (21) and the two sheets (1, 3) comprising a continuous member (2, 4); a cutting station (43) for cutting the continuous member to a predetermined length for thereby producing a self-developing instant photography film unit (figure 1; column 7, lines 20-23). McCole does not disclose a free loop in a feed region. Karaki et al. teaches an apparatus for manufacturing photography film comprising at least one free loop disposed in a feed region (column 4, lines 16- 25; column 13, lines 43-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of McCole to include at least one free loop of Karaki et al. for the purpose of releasing tension in the feed region to allow for better positioning of the continuous members.

Regarding claim 31 and its limitations as stated above, the modified apparatus of McCole in view of Karaki et al teaches an apparatus further comprising first feed means (110) disposed upstream of the fee loop for feeding the continuous member a predetermined pitch interval at a



Art Unit: 3721

time; and a second feed means (114) disposed downstream of the free loop for feeding the continuous member a predetermined pitch interval at a time (column 5, lines 42-45).

With respect to claim 32 and its limitations as stated above, the modified apparatus of McCole in view of Karaki et al. teaches an apparatus further comprising detecting means () disposed downstream of the free loop for detecting a positioned area of the continuous member and feeding the continuous member and feeding the continuous member a predetermined number of pitches at a time with the second feed means based on the detected positioned area (column 1, lines 46-49; column 7, lines 12-22).

Regarding claim 33 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit wherein the component supply station comprises means for supplying (18) the mask sheet (21) and the two sheets as (1, 3) first through third continuous members (2, 4; figure 1), the arrangement being such that the first through third continuous members (2, 4) are cut together (43) after being bonded (18) to each other (column 6, lines 12-17; column 7, lines 20-23).

With respect to claim 34 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a beveling station (25) for beveling corners of the instant photography film unit (column 6, lines 56-60).

In reference to claim 35 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising a fold forming station (41) for forming foldable thin portions on opposite marginal side edges of the image frame (3a) of the mask sheet (21), the foldable thin portions having a predetermined depth across the mask sheet (21; column 7, lines 11-15).

Art Unit: 3721

Regarding claim 36 and its limitations as stated above, McCole discloses an apparatus for manufacturing an instant photography film unit further comprising an air hole forming station (33) for forming a deformed area (34) at the trap and serving as an air passage (column 7, lines 61-65).

### *Response to Arguments*

9. Applicant's arguments filed August 27, 2002 have been fully considered but they are not persuasive. Applicant first argues that prior art McCole (USPN 4,312,939) does not disclose first through third continuous members. However, McCole distinctly illustrates three continuous members (1, 3, mask sheet from supply roll below station 18), which meet the limitations of the claim for cutting the three continuous members after they have been bonded to each other. This is illustrated in figure 4, post the application of the third continuous member. Regarding Applicant's argument that McCole does not disclose the feed pitch of the members through the bonding station, Examiner cites column 4, lines 9-14 of McCole as a suggestion that it is well known in the art to feed continuous members in various pitches or tension rates.

Applicant further argues that prior art Arima (USPN 4,944,503) does not disclose packaging film units into a film pack. However, Arima broadly discloses packaging sheets (column 1, lines 14-19) that are cut from a continuous material into predetermined lengths. Arima goes on to disclose examples of such sheets, of which the film sheets disclosed by McCole correspond to the description provided by Arima.

With respect to Applicant's request to disqualify reference Karaki et al. (USPN 6,317,951), Applicant failed to provide proper evidence to support reasoning for request for withdrawal of prior art.

Art Unit: 3721

***Conclusion***

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37. CFR § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE MONTHS SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The examiner can normally be reached on 9:30 am - 8:00 pm Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone numbers for the

Art Unit: 3721

organization where this application or proceeding is assigned are (703) 308-7769 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1789.

Gloria R Weeks  
Examiner  
Art Unit 3721

  
grw  
November 4, 2002



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700